

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

287A0540

HOUSE BILL NO. 1249

Introduced by: Representatives Putnam, Kredit, and Van Gerpen and Senator Frederick

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for a drainage commission.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 46A-10A-34 be amended to read as follows:

4 46A-10A-34. A board ~~shall~~ may provide for appointment of its drainage commission to serve
5 as a board of resolution and, under the regulations and controls adopted pursuant to this chapter,
6 ~~shall~~ may provide that the board of resolution in individual cases may make, upon an affirmative
7 vote of three-fourths of the full membership of the board of resolution, special exceptions or
8 variances to any official controls and ~~shall~~ may reach decisions in individual drainage disputes
9 between landowners, consistent with the provisions of § 46A-10A-20. The board may constitute
10 itself as the board of resolution. The board may further provide that specified types or categories
11 of drainage disputes may not be heard by the board of resolution. A drainage dispute which is
12 not within the jurisdiction of the board of resolution shall be taken directly to the circuit court
13 of the county wherein the conflict exists.